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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,035	09/16/2003	Kenneth Lloyd Dorrell	13213-047001	2579
26191	7590	03/15/2005	EXAMINER	
FISH & RICHARDSON P.C. 3300 DAIN RAUSCHER PLAZA 60 SOUTH SIXTH STREET MINNEAPOLIS, MN 55402			ALIE, GHASSEM	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/664,035

Applicant(s)

DORRELL ET AL.

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 16-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/01/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

1. Applicant's election of Group I and species V on 02/25/05 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 16-28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse on 02/25/05.

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "50" and "51" on page 5, lines 5 and 13 and "520" on page 8, line 7.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1, 2, 4, 6, 7, 10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Cott (6,481,607), hereinafter Cott. Cott teaches a stamp dispenser 10' including a hub member 60 having a longitudinal axis and a roll of liner-less adhesive stamps 1'. It should be noted that the adhesive stamps in Cott is the same adhesive stamps in Slota et al. (4,770,322) that has been cited as a roll of liner-less adhesive-backed stamps in the specification of the instant application. Cott also teaches that the roll rotatably mounted about hub member 60 and including a leading portion 2'' comprised of one or more of the stamps. Cott also teaches a separation member 30 rigidly coupled to hub member 60 and spaced apart from the hub member to define an access area adapted to permit a user to grasp one or more stamps. Cott also teaches separation member 30 having a separation surface operable to facilitate separating one or more of the stamps from roll of stamps 1' when the leading portion is tensioned across the separation surface. See Figs. 1, 3, and 11 and col. 4, lines 26-54 and col. 5, lines 34-53 in Cott.

Regarding claim 2, Cott teaches everything noted above including that each of the stamps is separated by a perforation. See Figs. 3 and 11 in Cott.

Regarding claim 4, Cott teaches everything noted above including that roll of stamps 1' has a substantially cylindrical core. See Figs. 1-3 and 11 in Cott.

Regarding claim 6, Cott teaches everything noted above including a wall 14 having a hub section and a forward extending section. The section of wall 14 that has a semicircular recess defines the hub section. The section that is connected to separation member 30 defines the forward extension section. Cott also teaches that hub member 60 coupled to the hub section with the longitudinal axis substantially perpendicular to wall 14 and the separation member coupled to the forward section. See Fig. 11 in Cott.

Regarding claim 7, Cott teaches everything noted above including one or more flanges 48 coupled to wall 14 for retaining the roll of stamps between the one or more flanges and wall 14. Head 48 of the threaded body 43 which is coupled to wall 14 is defined as a flange. See Fig. 6 in Cott.

Regarding claims 10 and 11, Cott teaches everything noted above that the separation surface is configured to releasably retain at least a portion of leading portion 2' of the roll. Cott also teaches that separation surface is substantially free of sharp corners and sharp edges. See Figs. 3 and 11 in Cott.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 4, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plummer, III (4,252,258), hereinafter Plummer. Regarding claim 1, Plummer teaches a dispenser 10 including a hub member 34 having a longitudinal axis and a roll of a moisture

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sensitive of pressure sensitive adhesive tape or labels 35. Plummer also teaches that the roll rotatably mounted about hub member 34 and including a leading portion comprised of one or more of labels. Plummer also teaches a separation member 27, 18 rigidly coupled to hub member 34 and spaced apart from the hub member to define an access area adapted to permit a user to grasp one or more stamps. The separation member is defined by flange 27 and cutting edge 18. Plummer also teaches separation member 25, 18 having a separation surface 25 operable to facilitate separating one or more of the labels from roll of labels 35 when the leading portion is tensioned across the separation surface. See Figs. 1-6 and col. 1, lines 61-68 and col. 2, lines 1-68 in Plummer. Plummer does not expressly teach that the roll of labels is a roll of liner-less adhesive-backed stamps. Roll of tape 35 is a moisture sensitive adhesive roll that also has adhesive material on the back. Therefore, it would have been obvious to a person of ordinary skill in the art to use Plummer's dispenser to dispense a roll of liner-less adhesive-backed stamps, since Plummer is capable of dispensing similar type of adhesive roll that is moisture sensitive and has adhesive on the back.

Regarding claim 4, Plummer teaches everything noted above including that roll of stamps 35 has a substantially cylindrical core. See Fig. 3 in Plummer.

Regarding claim 10, Plummer teaches everything noted above that separation surface 27 is configured to releasably retain at least a portion of leading portion of the roll of stamps 35. Figs. 1-3 in Plummer.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cott in view of Cassells. Cott teaches everything noted above including that each of stamps is separated by a perforation, but Cott does not teach that each of stamps is separated by a score. However, the

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use of perforations or score lines on the roll of stamps is well known in the art such as taught by Cassells. Cassells teaches stamps which can be separated by a perforation 20 and a roll of stamp that can be separated by a score 32. See Figs. 1-6 in Cassells. It would have been obvious to a person of ordinary skill in the art to provide a roll of stamps that can be separated by a score for Cott's stamp dispenser as taught by Cassells, since Cott's stamp dispenser is capable of separating stamps having score lines and stamps having perforations lines.

9. Claims 1, 2, 4, and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (5,494,204) in view of Cott or Plumber. Regarding claim 1, Wang teaches a dispenser 1 including a hub member 2 having a longitudinal axis and a roll of adhesive tape. Wang also teaches that the roll rotatably mounted about hub member 2. Wang also teaches a separation member 104 rigidly coupled to hub member 2 and spaced apart from the hub member to define an access area adapted to permit a user to grasp the leading portion of the tape. Wang also teaches separation member 104 having a separation surface operable to facilitate separating of the adhesive tape when the leading portion of the tape is tensioned across the separation surface. It should be noted that the blade and the rectangular, horizontal surface that supports the leading portion of the tape and the blade 104 define the separation member. See Figs. 1-5 and col. 2, lines 45-67 and col. 3, lines 1-50 in Wang. Wang does not teach that dispenser 1 dispenses a roll of liner-less adhesive-backed stamps and for separating one or more stamps for the roll of stamps the leading portion of the roll of stamps is tensioned across the separation surface. However, Cott teaches a tape dispenser 10 that also can be used as a stamp dispenser 10' for dispensing a roll of linear-less adhesive stamps 1'.

The dispenser for dispensing a roll of stamps 1' is substantially identical to tape dispenser 10. However, the stamp dispenser does not include a cutting member, since it is not needed. See Figs. 3, 4, and 11 col. 4, lines 26-50 and col. 5, lines 46-56 in Cott. Plummer also teaches a label dispenser including a roll of tape or labels 35 which is a moisture sensitive adhesive roll and has adhesive material on the back. As stated above, a roll of liner-less adhesive-backed stamps is similar to Plummer's roll of adhesive and Plummer's dispenser is capable of dispensing a roll of liner-less adhesive-backed stamps. It would have been obvious to a person of ordinary skill in the art to dispense a roll of liner-less adhesive-backed stamps by Wang's tape dispenser as taught by Cott or Plummer in order to dispense a roll of stamps and separate one or more stamps from the roll of stamps.

Regarding claim 2, Wang as modified by Cott teaches everything noted above including that each of the stamps is separated by a perforation. See Figs. 3 and 11 in Cott.

Regarding claim 4, Wang as modified above teaches everything noted above including that roll of stamps 1' appears to have has a substantially cylindrical core. See Fig. 3 in Cott. However, Official Notice is taken that the use of a roll of stamps having a cylindrical core is well known in the art such as taught by Buetter et al. (6,196,389), hereinafter Buetter. Buetter teaches a roll of stamps 14 having a core. See Fig. 1 and col. 1, lines 60-67 in Buetter.

Regarding claim 6, Wang teaches everything noted above including a wall 101 having a hub 102 section and a forward extending section. The section that is connected to separation member 104 defines the forward extension section. Wang also teaches that hub member 2 coupled to the hub section 102 with the longitudinal axis substantially



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perpendicular to wall 101 and the separation member coupled to the forward section. See Fig. 1 in Wang.

Regarding claim 7, Wang teaches everything noted above including one or more flanges 201a-201d coupled to wall 101 for retaining the roll of stamps between the one or more flanges and the wall. See Fig. 1 and col. 2, lines 55-67 and col. 3, lines 1-10 in Wang.

Regarding claim 8, Wang teaches everything noted above including that one or more flanges 201a-201d have a flexible member and a lip 2011 configured to retain the roll between the lip and the wall. See Fig. 1 and col. 2, lines 55-67 and col. 3, lines 1-10 in Wang.

Regarding claim 9, Wang teaches everything noted above including that one or more flanges 201a-201d have an extension member extending from the lip and configured to allow a user to flex the flexible member. The lip 2011 is extended outwardly that enables the user to use the extension and flex the flexible member. The top surface of the lip or the step has extended outwardly and it is end to a sharp edge. See Fig. 1 and col. 2, lines 55-67 and col. 3, lines 1-10 in Wang.

Regarding claims 10 and 11, Wang as modified by Cott teaches everything noted above that the separation surface is configured to releasably retain at least a portion of leading portion 2' of the roll. Cott also teaches that separation surface is substantially free of sharp corners and sharp edges. See Figs. 3 and 11 in Cott.

10. Claims 1, 2 and 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ridenour (5,351,869) in view of Cott or Plummer. Regarding claim 1, Ridenour teaches a dispenser including a hub member 28 having a longitudinal axis and a roll of adhesive tape.

Ridenour also teaches that the roll rotatably mounted about hub member 28. Ridenour also teaches a separation member 12 rigidly coupled to hub member 28 and spaced apart from the hub member to define an access area adapted to permit a user to grasp the leading portion of the tape. Ridenour also teaches separation member 12 having a separation surface 12b operable to facilitate separating of the adhesive tape when the leading portion of the tape is tensioned across the separation surface. See Figs. 1-5 and col. 2, lines 9-65 and col. 3, lines 1-65 in Ridenour. Ridenour does not teach that dispenser dispenses a roll of liner-less adhesive-backed stamps and for separating one or more stamps from the roll of stamps the leading portion of the roll of stamps is tensioned across the separation surface. However, Cott teaches a tape dispenser 10 that also can be used as a stamp dispenser 10' for dispensing a roll of liner-less adhesive stamps 1'. The dispenser for dispensing a roll of stamps 1' is substantially identical to tape dispenser 10. However, the stamp dispenser does not include a cutting member, since it is not needed. See Figs. 3, 4, and 11 col. 4, lines 26-50 and col. 5, lines 46-56 in Cott. Plummer also teaches a label dispenser including a roll of tape or labels 35 which is a moisture sensitive adhesive roll and has adhesive material on the back. As stated above, a roll of liner-less adhesive-backed stamps is similar to Plummer's roll of adhesive and Plummer's dispenser is capable of dispensing a roll of liner-less adhesive-backed stamps. It would have been obvious to a person of ordinary skill in the art to dispense a roll of liner-less adhesive-backed stamps by Ridenour's tape dispenser as taught by Cott or Plummer in order to dispense a roll of stamps and separate one or more stamps from the roll of stamps.

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Regarding claim 2, Ridenour as modified by Cott teaches everything noted above including that each of the stamps is separated by a perforation. See Figs. 3 and 11 in Cott.

Regarding claim 4, Ridenour as modified above teaches everything noted above including that roll of stamps 1' appears to have has a substantially cylindrical core. See Fig. 3 in Cott. However, Official Notice is taken that the use of a roll of stamps having a cylindrical core is well known in the art such as taught by Buetter et al. (6,196,389), hereinafter Buetter. Buetter teaches a roll of stamps 14 having a core. See Fig. 1 and col. 1, lines 60-67 in Buetter.

Regarding claim 5, Ridenour teaches everything noted above including a sleeve 10 disposed between the roll of stamps and hub member 28. See Fig. 3A in Ridenour.

Regarding claim 6, Ridenour teaches everything noted above including a wall 22 having a hub section and a forward extending section. The section that is connected to separation member 12 defines the forward extension section. Ridenour also teaches that hub member 28 coupled to the hub section with the longitudinal axis substantially perpendicular to wall 22 and the separation member coupled to the forward section. See Figs. 1A, and 3A in Ridenour.

Regarding claim 7, Ridenour teaches everything noted above including one or more flanges 56 coupled to wall 22 for retaining the roll of stamps between the one or more flanges and the wall. See Figs. 1A, and 3A and col. 3, lines 52-68 and col. 4, lines 1-9 in Ridenour.

Regarding claims 8 and 9, Ridenour teaches everything noted above including that one or more flanges 56 have a flexible member and a lip configured to retain the roll between the lip and the wall. Vertices 58 and a section of the flanges that is extended outwardly from

vertices 58 define the lips. The continued outwardly extension of the flanges at vertices 58 also define extension members. See Figs. 1A, and 3A and col. 3, lines 52-68 and col. 4, lines 1-9 in Ridenour.

Regarding claims 10 and 11, Ridenour as modified by Cott teaches everything noted above that the separation surface is configured to releasably retain at least a portion of leading portion 2' of the roll. Cott also teaches that separation surface is substantially free of sharp corners and sharp edges. See Figs. 3 and 11 in Cott.

11. Claims 1 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shah (2002/0079345) in view of Cott or PLummer. Regarding claim 1, Shah teaches a dispenser 10 including a hub member 14 having a longitudinal axis and a roll of adhesive tape 12. Shah also teaches that the roll rotatably mounted about hub member 14. Shah also teaches a separation member 34 rigidly coupled to hub member 14 and spaced apart from the hub member to define an access area adapted to permit a user to grasp the leading portion of the tape. Shah also teaches separation member 34 having a separation surface operable to facilitate separating of the adhesive tape when the leading portion of the tape is tensioned across the separation surface. See Figs. 1-4 and pages 35, paragraphs 49-68 in Shah. Shah does not teach that dispenser 10 dispenses a roll of liner-less adhesive-backed stamps and for separating one or more stamps for the roll of stamps the leading portion of the roll of stamps is tensioned across the separation surface. However, Cott teaches a tape dispenser 10 that also can be used as a stamp dispenser 10' for dispensing a roll of linear-less adhesive stamps 1'. The dispenser for dispensing a roll of stamps 1' is substantially identical to tape dispenser

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10. However, the stamp dispenser does not include a cutting member, since it is not needed. See Figs. 3, 4, and 11 col. 4, lines 26-50 and col. 5, lines 46-56 in Cott. Plummer also teaches a label dispenser including a roll of tape or labels 35 which is a moisture sensitive adhesive roll and has adhesive material on the back. As stated above, a roll of liner-less adhesive-backed stamps is similar to Plummer's roll of adhesive and Plummer's dispenser is capable of dispensing a roll of liner-less adhesive-backed stamps. It would have been obvious to a person of ordinary skill in the art to dispense a roll of liner-less adhesive-backed stamps by Shah's tape dispenser as taught by Cott or Plummer in order to dispense a roll of stamps and separate one or more stamps from the roll of stamps.

Regarding claims 12-15, Shah teaches everything noted above including an interference means 44 for preventing unraveling of the roll of stamps. Shah also teaches that the interference means comprises a brake. Shah also teaches that the brake 44 is reversibly movable between an engaged position wherein the brake engages the roll of stamps and an unengaged position wherein the brake does not engage the roll of stamps. Shah also teaches that the brake is biased in the unengaged position. The brake is biased by flexible portion 36 of the side wall 30. See Figs. 1-3 and page 4, paragraphs 54-58 in Shah.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Buetter et al. (6,196,389) teaches a roll of stamps having a core.

Vanderstenne (5,597,135) and Emmert (2,776,095) teach a type dispenser having a hub and a sleeve.

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Rader (6,394,165), Groenweg (6,171,439), Johnson, and Sato teaches a stamp dispenser.

Samuelson et al. (5,328,115), and Shah (2002/0185512) teach a dispenser including a hub having flanges.

Gunter, Jr. et al. (6,695,190), Hunang (2003/0155394), Lin (5,073,228), Dretzka et al. (5,468,332), and Luhman et al. (5,759,342) teach a tape dispenser having an interference means.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

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GA/ga

March 11, 2005

A handwritten signature in black ink, appearing to read 'ay' with a long, sweeping horizontal stroke extending to the right.

Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700